

**Government Efficiency and Review Committee
Regular Meeting Minutes**

DATE & TIME: March 14, 2016 – 4:30 PM
LOCATION: COB, 6th Floor, Karen Binder Library
PRESIDING OFFICER: Chairman John R. Parete
LEGISLATIVE STAFF: Jay Mahler, Legislative Staff
PRESENT: Legislators Belfiglio, Greene, R. Parete
ABSENT: Legislator Loughran
QUORUM PRESENT: Yes

OTHER ATTENDEES: Legislators Bartels and Donaldson, Mr. Tom Kadgen & Ms. Cynthia Bell – League of Women Voters, Evan Gallo – Deputy Ulster County Comptroller.

Chairman Parete called the meeting to order at 5:10 PM.

Motion No. 1: RESOLVED To Approve the Minutes of the February 11, 2016 meeting

Motion Made By: Legislator Belfiglio
Motion Seconded By: Legislator R. Parete

Discussion:

None

Roll Call Vote: No
Voting In Favor: Legislators J. Parete, Belfiglio, Greene, R. Parete
Voting Against: None
No. of Votes in Favor: 4
No. of Votes Against: 0
Disposition: Carried

Motion No. 2: Resolution No. 130 – March 15, 2016

Text of Motion: Resolved to AMEND Resolution No. 130 – Amend the third, and last, RESOLVED of Resolution No. 130 – Amending The 2016 Ulster County Budget To Reimburse Indicated Ulster County Towns For Flood Mitigation Work In The Wake Of

Hurricane Irene to read as follows “RESOLVED, ~~upon~~ **after** delivery of the Memorandum of Receipt, **but no later than June 1, 2016**, the Commissioner of Finance ...”

Motion Made By: Legislator Belfiglio
Motion Seconded By: Legislator R. Parete

Resolution No. 130 Summary: This resolution reimburses the Towns of Denning, Hardenburgh, Lloyd, Saugerties, Shandaken and Ulster in the amounts of \$25,300.88, \$15,074, \$26,240, \$22,138, \$28,400.39 and \$9,685.29 respectively, for costs incurred to repair damage caused by Hurricane Irene and Super Storm Sandy in 2011.

Discussion:

Chairman Parete advised the members that the Resolution was sponsored by himself and Legislator Maloney. He said that it became evident after the recent special informational meeting that required paperwork had not been completed on the part of the County. He informed the members that he would like to see the third RESOLVED in the resolution amended in order to give adequate time for the County Executive’s Office to resolve the matter with the state.

Legislator Donaldson expressed his displeasure with the lack of responsibility being taken for this issue on the part of the administration. He added his frustration that Counselor Ragucci, who did most of the research on the matter, was, it seemed, not permitted to speak to the issue at the informational meeting. He concluded by saying that it was important to take care of these communities and ensure that they receive the funding.

Legislator Greene added that she was dismayed on how this matter was handled and expressed her support for the reimbursement. She informed the members that she is in favor of WMBE requirements and said that, in her experience, the individuals who review projects for WMBE compliance are very reasonable, easy to work with and, she felt, would have recognized the emergency nature of the situation.

Chairman Parete advised the members that a Legislator from the Republican caucus called one of the vendors used and confirmed that they were a WMBE business. He added that the amendment was being proposed in recognition that these things take time to finalize and that he wanted to give adequate time to the administration.

Roll Call Vote: No
Voting In Favor: Legislators J. Parete, Belfiglio, Greene, R. Parete
Voting Against: None
No. of Votes in Favor: 4

No. of Votes Against: 0
Disposition: Carried

Motion No. 3: Resolution No. 130 – March 15, 2016

Text of Motion: Resolved to approve Resolution No. 130 AS AMENDED – Amending The 2016 Ulster County Budget To Reimburse Indicated Ulster County Towns For Flood Mitigation Work In The Wake Of Hurricane Irene to read as follows “

Motion Made By: Legislator Belfiglio
Motion Seconded By: Legislator R. Parete

Discussion:

Legislator Greene suggested that the county host a workshop on WMBE requirements and best practices for compliance. She restated that she supports the justifications behind WMBE and said that the Towns should be given the tools and education they need to be compliant and current.

Chairman Parete added his support for WMBE and reminded the members that he included initiatives to promote WMBE businesses in his last address to the Legislature as Chairman.

Roll Call Vote: No
Voting In Favor: Legislators J. Parete, Belfiglio, Greene, R. Parete
Voting Against: None
No. of Votes in Favor: 4
No. of Votes Against: 0
Disposition: Carried

Chairman Parete informed the members that Resolution No.129 - Amending The 2016 Ulster County Budget To Reimburse The Town Of Denning For Flood Mitigation Work Performed On Clair Road In The Wake Of Hurricane Irene, has been withdrawn by the sponsor.

New Business

Chairman Parete reminded the members of Proposed Local Law No. 2 of 2016 – A Local Law Amending Local Law No. 5 of 2000 (A Local Law Requiring Checkout Accuracy

And The Clear, Accurate, And Adequate Display Of Selling Price), To Update The Consumer Protection Law To Allow For The Registration And Regulation Of Publicly Accessible Donation Bins which was presented to the committee last month. He informed the members that the measure has been withdrawn as there is legislation on the state level to address the issue. He asked Mr. Gallo if he had anything to add on the subject.

Mr. Gallo said the local law and state law were like “two ships passing in the night” saying that the Comptroller’s Office was working on drafting the county law while the Governor was preparing to sign the state legislation. He added that the Comptroller’s Office will monitor the implementation of state’s program and will evaluate if the state legislation addresses their concerns in the fall.

Chairman Parete informed the members that research has begun on compliance with policies and Local Law passed by the Legislature. He said that a letter was being drafted from himself and Government Efficiency and Review Deputy Chairman Belfiglio on the adherence to the Healthy Vending Choices policy.

Legislator Bartels commented that she felt it was a good law and that she would like to know if it is being complied with. Legislator Donaldson agreed with Legislator Bartels and commented on the choices available in schools.

Legislator Belfiglio informed the members that a green sticker is placed on vending machine choices by the vendor in the machines in the BOCES facility. The sticker identifies which items are healthy options. He suggested that the law could be amended to provide for a labeling system.

Chairman Parete commented that he understood that this issue was not life or death, but that it was a good place to start for the committee.

Chairman Parete advised the members that he reached out to people in “academia” to inform them about the charge of the committee and to inquire about the prospect of providing interns to assist with research, possibly for credit.

Legislator Donaldson asked how far back the committee was planning to look. Chairman Parete responded that he had already advised the members of a law passed requiring PLA for any project over \$1 million. He added that he was still deciding on how to proceed on that.

Legislator Bartels added that there have been many conversations about the staying power of Local Laws versus resolutions and, by extension, policies, and questioned when

resolutions cease being relevant. She asked if resolutions have to be rescinded to no longer be standing policy. She gave an example of the Green Building policy and asked who is even aware of all polices passed over the years.

Chairman Parete said he was hoping that the committee would continue to exist into the future and that his vision was for the creation of a list of policies and laws adopted in order to aid in research on compliance and/or relevancy into the future.

Legislator Donaldson commented that he has, on many occasions, informed members of existing regulations that he recalled from previous years when they were considering new policies. He said that more research is needed when adopting resolutions. He added that this is not an easy task. He told the members that he served on a charter revision commission for the City of Kingston many years ago and advised them that many laws were uncovered that were no longer relevant. He added that he would like to see the committee look into the various privatizations the county has done; like mental health services.

Legislator R. Parete added that he has received phone calls from a school district superintendent relaying drastic and concerning changes in services since the privatization of Mental Health. Chairman Parete added that the recent newspaper articles reporting that an individual suffering from mental illness in Saugerties was arrested three different times in the span of a weekend were very concerning and a prime example of a system failure.

The committee briefly discussed the search functionality of the county legislature website and the research benefits that could be realized if it was improved.

Chairman Parete moved on to discussion under new business on the agenda of Proposed Local Law No. 4 of 2016 – A Local Law Amending Local Law No. 5 Of 1991 (A Local Law Adopting A Hotel And Motel Room Occupancy Tax) To Update The Tax Law’s Application To Short-term And Vacation Rentals. He thanked Comptroller Auerbach and Deputy Comptroller Gallo for bringing the law forward. He added that he believes this is a matter of fairness and told the members that he has heard from many people in his district agreeing that the law needs to be amended to include Airbnb type places.

Deputy Comptroller Gallo informed the members that the proposed local law is an attempt to level the playing field and bring the Hotel and Motel Room Occupancy Tax in line with 21st Century business models. Legislator Donaldson asked if these places pay the 8% Sales Tax. Mr. Gallo responded no, adding that collecting the sales tax was a more complicated issue. Mr. Gallo added that the law also requires operators to register

their business with the county. He said the law includes an option to allow Airbnb to be authorized to collect and remit the tax on behalf of the operator. He continued by saying that the law also streamlines the formula for determining the taxable amount as the previous structure is overly complicated and confusing. He added that the Ulster County Lodging Coalition was in the process of reviewing that portion of the law. Members of the committee agreed on the point of complexity.

The law also requires a distribution of a portion of the tax revenue to the Towns. He explained that members of the Town Supervisors and Mayors Association as well as some Legislators expressed concern that they would have increased code enforcement responsibilities, as well energy and safety related issues. He said the method for disbursements was based on the current way sales tax is distributed.

The members discussed the provisions of the law and expressed concerns with increased code enforcement, the classification of properties, the rights and abilities of towns to enforce codes on short term rentals of private property, and potential effects on other types of businesses run out of private homes.

Legislator Greene questioned why the reimbursement to the towns was not based on the amount of rentals occurring within each town rather than by an equalization formula. Mr. Gallo responded that the disbursement was modeled after the one used for sales tax. Legislators R. Parete and Bartels agreed that the disbursement should be based on the amount of rentals in a town rather than by a formula.

Legislator Bartels asked who would be collecting the tax if the room was rented through an entity other than Airbnb. Mr. Gallo responded that the law requires individual operators to register with the county who are responsible for remitting the tax, whether that was through Airbnb or not. Legislator R. Parete advised the committee that he is opposed to the law and feels that the people who rent through Airbnb are not the same as those who stay in hotels. He recommended any tax revenue be invested in developing affordable housing in the county.

Chairman Parete said this was the start of a good discussion. He informed the members that the Commissioner of Finance communicated that the County Attorney is reviewing the law and thanked the members for sharing their concerns and encouraged them to read the full law.

Mr. Gallo was asked what other counties have laws similar to this one. He responded that he spoke to Tompkins, Essex, Franklin and Delaware counties and advised the members that each of those counties either changed an existing law to include vacation rentals or determined that existing definitions of hotels were already sufficient enough to include them.

Chairman Parete thanked Mr. Gallo for his time.

Regarding Resolution No. 130, Legislator Greene asked if anyone was aware if the state's denial of the WMBE waiver was being appealed. The members responded that the county was appealing the denial.

Chairman Parete apologized for not notifying the members and guests earlier in the meeting that the discussion of Local Law Number 4 of 2015 (A Local Law Regulating The Use Of Polystyrene Foam Disposable Food Service Ware By Food Service Establishments In Ulster County) has been postponed to a later date.

Chairman Parete asked if there was any other business. Hearing none;

Adjournment

Motion Made By: Legislator R. Parete
Motion Seconded By: Legislator Greene
No. of Votes in Favor: 4
No. of Votes Against: 0

TIME: 6:15 PM.

Respectfully submitted: Jay Mahler, Deputy Clerk

Minutes Approved: April 18, 2016